

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, September 10, 2012

Those Present: Mr. James E. McClellan, Chairman
Mr. Richard E. Zimmerman, Board Member
Mrs. Maggi Hays, Board Member
Mrs. Linda B. Thall, Sr. Assistant County Attorney
Ms. Kathy L. Vahle, Administrator
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector
Mr. Frank Rauschenberg, Alcoholic Bev. Inspector
Mrs. Sandra Rees, Administrative Specialist IV
Mrs. Penny Bussard, Administrative Specialist IV

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 8:45 am by Chairman McClellan.

1. **Information Concerning the Conduct of Administrative Hearings** – Mrs. Thall provided a handout to the Board with information about conducting administrative hearings. The Board reviewed and discussed the information.
2. Decision Required: New

RE: Christopher L. Sands
for the use of
Units East Inc.
t/a Ayse Meza Lounge
6 N. East St.
Frederick, MD 21701

Class B, On Sale, Beer, Wine & Liquor

The Board held a hearing for a new license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: Fire Marshal approval and Retail Sales Tax license. Mr. Bowers stated the Retail Sales Tax license had been received and the Fire Marshal needs to inspect. Inspector Rauschenberg stated they are compliant. The prior licensees left a large amount of alcohol in the establishment and there needs to be a bulk transfer completed by the Comptroller's Office.

MOTION: Mr. Zimmerman made a motion for a conditional approval for September 24, 2012.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman - Aye
Mrs. Hays - Aye
Mr. McClellan - Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

3. Decision Required: New

RE: Christopher R. Mattia
for the use of CGV, Inc.,
t/a The Capital Crave
5901 Old National Pike A
Frederick, MD 21702
Class B, On Sale, Beer, Wine and Liquor

The Board held a hearing for a new license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: Fire Marshal, Health Department, Worker's Compensation, the Retail Sales Tax license. Mr. Mattia stated there still needs to be inspections done. Ms. Vahle stated the alcohol that was left in the establishment from before needs to be removed before the license can be issued. Inspector Rauschenberg stated they are compliant.

MOTION: Mr. Zimmerman made a motion for a conditional approval until October 29, 2012.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman - Aye
Mrs. Hays - Aye
Mr. McClellan - Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

MOTION: Mr. Zimmerman made a motion for approval of the outside patio.

SECOND: Mr. McClellan seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman - Aye
Mrs. Hays - Aye
Mr. McClellan - Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

4. Decision Required: New

RE: Jay Laurienzo and Kevin H.
Raab for the use of
Laurienzo Restaurants Inc.
t/a Laurienzo Brick Oven Cafe
1896 Urbana Pike
Hyattstown, MD 20871
Class B, On Sale, Beer, Wine and Liquor

The Board held a hearing for a new license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: Final Zoning approval, the Occupancy Permit, Fire Marshal, Health Department, Retail Sales Tax license. Mr. Laurienzo stated they are still in the process of completion. Inspector DeLauter stated they are not compliant.

MOTION: Mr. Zimmerman made a motion for a conditional approval until December 3, 2012.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman - Aye
Mrs. Hays - Aye
Mr. McClellan - Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

5. Decision Required: Transfer

TRANSFER FROM:

RE: Gerald R. Flook, William
S. Swaney
and Sharon M. Weston
for the use of
Prospect Inn, Inc.
t/a Ledo Pizza
490-I Prospect Blvd.
Frederick, MD 21701
Class B, On Sale, Beer, Wine & Liquor

TRANSFER TO:

RE: William Swaney, Scott
A. Keeseey and Kevin P.
Facemire for the use of
Prospect Inn Inc.
t/a Ledo Pizza
490-I Prospect Blvd.
Frederick, MD 21701
Class B, On Sale, Beer, Wine & Liquor

The Board held a hearing for a transfer of a license. There was nothing pending. Inspector Rauschenberg stated they are compliant.

MOTION: Mr. Zimmerman made a motion for approval.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman - Aye
Mrs. Hays - Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

6. Decision Required: Violation

RE: Jean P. Snyder & David A. Snyder
for the use of Enola, Inc
t/a Café Nola
4 E. Patrick Street B
Frederick, Maryland 21701
Class B, On Sale, Beer, Wine & Liquor
License Number 11BL 2067
FCLB Case Number: 5939

The Board held a violation hearing on charges that the licensees
1. Allowed patrons to consume alcoholic beverages after 2AM,
2. Allowed alcoholic beverages to remain on the bar and/or tables
after 2AM, and 3. Allowed patrons to remain in the establishment
after 2AM. Mrs. Thall swore in the licensees and potential
witnesses. (See Attached Sign In Sheet). The licensees pled Not
Guilty to all three charges.

The findings of fact were as follows:

1. Licensees did not knowingly permit patrons to consume
alcoholic beverages on the premises after 2AM.

MOTION ONE: Mr. Zimmerman made a motion to find the
licensees not guilty.

SECOND: Mr. McClellan seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman – Aye
Mr. McClellan – Aye
Mrs. Hays – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

2. On Sunday, May 27, 2012 the licensees either directly or
through an employee did allow alcoholic beverages to remain on
the bar and/or tables after 2AM.

MOTION ONE: Mr. Zimmerman made a motion to find the licensees guilty.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman – Aye
Mrs. Hays – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

3. On Sunday, May 27, 2012 at approximately 2:02AM either directly or through an employee the licensees did allow patrons to remain in the establishment after 2AM.

MOTION ONE: Mr. Zimmerman made a motion to find the licensees guilty.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman – Aye
Mrs. Hays – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

Ms. Vahle stated the prior history was the license was issued October 4, 2007. August 2, 2010 they were charged with failure to have seating for 50 persons at tables. The Board assessed a \$200 fine and a 10 day suspension. The suspension was held in abeyance. January 9, 2012 there was a failure to have an outside seating barrier at the appropriate height. The Board found them guilty without a penalty. June 11, 2012 there was failure to pick up the renewal on time and a \$50 fine and No Contest Letter.

MOTION ONE: Mr. Zimmerman made a motion for a fine of \$500 for allowing patrons to remain in the establishment after 2AM and allowing alcoholic

beverages to remain on the bar and/or tables after 2AM.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman – Aye
Mrs. Hays - Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

7. Decision Required: Violation

RE: Robin L. Harne and Robert L.
Harne Jr. for the use of
Rube's Crab Shack LLC
t/a Rube's Crab Shack
17308 N. Seton Avenue
Emmitsburg, Maryland 21727
Class B, On Sale, Beer, Wine & Liquor
License Number 11BL 3208
Case#: 5833

The licensees failed to appear for the violation hearing . The Board decided to reschedule the violation hearing and add a new charge for failing to appear for the hearing. Inspector DeLauter will hand carry the new notice for a hearing to the licensees.

8. Decision Required: approval of the amended Minutes for August 20, 2012 and approval of the Public Meeting Minutes for September 10, 2012.

Mr. Zimmerman stated he would like the Minutes to reflect for Inspector Rauschenberg's Report that he asked that a copy of the Public Minutes be given to the City Police. Also that the Frederick News Post publish the results of the Public Hearing.

Mr. Zimmerman excused himself from the meeting and left at 10:50 AM.

9. **Crusaders Sports Bar** – Ms. Vahle stated there was a request for entertainment from this establishment. The Board approved this request.
10. **Old Town Diner** – Ms. Vahle stated a letter had been sent out regarding the change of ownership for this establishment in which they never notified the Board. Mrs. Thall is reviewing the documents provided.
11. **Family Meal** – Ms. Vahle stated they were using the outside area without the Board's approval. They have now submitted a request for approval for the outside area. The Inspector Rauschenberg stated they are compliant.
12. **Sheetz-Thurmont** – This establishment is renovating the premises without the approval of the Board. They removed their tables and chairs along with the restrooms. Since they did not submit a request, Inspector DeLauter brought the license back to the office. They have put the tables and chairs back and are requesting to have the license back and they do have restroom facilities but they are not inside the licensed premises. The Board needs to decide whether they are allowed to have the temporary restrooms outside the premises. The Board approved this request.

ADJOURN

The meeting was adjourned at 10:59 am.

Respectfully submitted,

Kathy Vahle, Administrator
FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees